UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,866	11/19/2001	Yoshitoshi Kurose	FUJO19.189	2344

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EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/989,866	KUROSE ET AL.
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 March 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 September 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Response to Amendment filed 03/12/2007

1.   Claims 1-15 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 3/31/2007 has been entered.

Response to Arguments

.3.   Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of

the new ground(s) of rejection.

4.   (1) Applicant requested a copy of the provisional application to show support for the claim

rejections.

         In response, a copy of the provisional application is being provided with the current Office action.

5.   (2) Applicant argued that claim 1 is patentable over AAPA and Verplanken et al.

         In response, Examiner respectfully notes that claim 1 was previously rejected as being

unpatentable over Taylor, US Patent #6,785,730, in view of Choquier et al, US Patent #5,774,668.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 3, 4, 8, 9, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

       i)   'Regarding claims 3, 8, and 13, "the selected devices" lack sufficient antecedent basis.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, US

Patent #6,785,730 (Taylor hereinafter), in view of Britton et al. US Patent #5,491,693 (Britton

hereinafter) and Fukushima et al. US Patent #6,292,489 (Fukushima hereinafter).

10.   As per claims 1, 6, and 11, Taylor teaches substantially the invention as claimed including a

method, and computer-readable storage medium, where at least one first device which responds to a

network service request transmitted by a user and at least one second device which does not support a

protocol of the network service request are connected and said second device having a setting of which

can be modified from outside said second device, Taylor's teachings comprising:

       a network information collecting section for obtaining information about a network service

provided by the first device, responsive to the network service request, by communicating with said first

device (col. 6, lines 2-5; col. 8, lines 23-34. Receive incoming message and determine source protocol

type. col. 8, line 64-col. 9, line 10. Protocols supported by translator. col. 5, lines 7-11. Sources may be gateway, Internet, intranet.);

a setting device determining section for specifying the second device which does not support the protocol of the network service request based on information from the network information collecting section (col. 6, lines 14-15; col. 13, lines 6-9. Determine target device. col. 2, line 45-50; col. 3, lines 28-30. Devices having differing data formats and different protocols. col. 7, lines 51-53. Transmit message to the destination device.);

a service mapping section for mapping network service parameters for setting routing information to be set into parameter values corresponding to the second device specified by the setting device determining section (col. 7, lines 30-32. Categorizes and translates message into destination format. col. 7, lines 51-53. Transmit message to the destination device.); and

a service setting section for communicating with the second device setting the parameter values obtained by the service mapping section in the second device (col. 6, lines 31-33; col. 7, lines 51-52; col. 13, lines 45-46. Sends converted message to target device.),

thereby said service allocating device responds to the network service request by controlling the parameter values of the second device allowing the second device to provide network service corresponding to the network service provided by the first device, according to the service requested by the first device (col. 3, lines 14-23. Allow devices and applications to interoperate.).

11.   Taylor teaches that sources may be gateway, Internet, and Intranet, but does not expressly specify devices for the Internet and Intranet. However, it is well known in the art that network devices such as routers are implemented in the Internet and Intranet and may be the actual sources devices in the Internet and Intranet. Taylor does not specifically teach of calculating an IP route for providing the network to the user based on information from the network information, and setting priority-based control to be set into parameter values.

Britton teaches of a gateway that provides connection between different protocols (Abstract),

wherein the gateway calculates a route to the destination (col. 7, lines 15-24).

12.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the teachings of Taylor with the teachings of Britton for the protocol translator (service

allocating device) to calculate a route to the destination because the protocol translator is responsible for

transmitting data to the destination. The motivation for the suggested modification is that Britton's

teachings would identify the best route to communicate data (col. 6, lines 20-25).

13.   Taylor and Britton still do not specifically teach of setting priority-based control to be set into

parameter values.

Fukushima teaches of setting traffic control parameters in network devices, the traffic control

parameters including priority (Abstract; col. 6, lines 32-40; col. 10, lines 39-49).

14.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the suggested system of Taylor and Britton with the teachings of Fukushima to set traffic

control parameters including priority in network devices such as the destination device. The motivation

for the suggested modification is that Fukushima's teachings would assure communication quality of each

connection (col. 2, lines 7-11).

15.   Claims 2, 5, 7, 10, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Taylor, Britton, and Fukushima, in view of Bertin et al, US Patent #5,687,167 (Bertin hereinafter).

16.   As per claim 2, 7, and 12, Taylor teaches the service allocating device according to claim 1,

further comprising: a service setting storing section storing setting contents of the first and second devices

which respond to previous network services (col. 6, lines 2-5, 22-32. Recognition of protocols and

application types of devices. col. 9, lines 10-16. Determine source and destination protocol.). However,

Taylor does not specifically teach a service competition calculating section in checking a competition

relation between network service requests from a plurality of users based on information stored in the

service setting storing section, adjusting the competition relation, and a determining the setting contents

of the first and second devices so as to respond to the network service to be provided.

Bertin teaches of storing priority information for network services (col. 2, line 44-53; Col 14,

lines 24-33); checking relation between network service requests from a plurality of users based on stored

information; adjusting the priorities of users; and determining the setting contents to respond to the

network service to provided (col. 13, line 64–col. 14, line 37; col. 17, lines 15-25).

17.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Taylor, Britton, Fukushima, and Bertin to store priority information for

network services; check relationship between network service requests from a plurality of users based on

stored information; adjust the priorities of users; and determine the setting contents to respond to the

network service to provided. The motivation for the suggested combination is that Bertin's teachings

would provide efficient management of traffic by dynamically changing connection settings to allow

connections with high priority level.

18.   As per claims 5, 10, and 15, Taylor does not teach of the service allocating device according to

claim 2, further comprising: a service stoppage request generating section obtaining information about a

network service provision state of the first device, detecting provision stoppage of a network service by

the first device based on the network service provision state information, and generating a service

stoppage request, a service setting storing section storing a plurality of setting information to the first and

second devices, which correspond to a network service that existed before provision stoppage of the

network service is detected, and a service competition calculating section calculating a service

competition relation that is modified by the detected provisional stoppage of the network service according to both the service stoppage request and storage information of the service setting storing section.

Bertin teaches of a service allocating system, wherein the system stores the setting information for user connections, and calculate a service competition relation based on storage information (modify services based on priorities and bandwidth) (col. 13, lines 30-47; col. 14, lines 1-37).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Britton, Fukushima, and Bertin to store the setting information for user connections and calculate a service competition relation. The motivation for the suggested combination is that Bertin's teachings would allow adjusting network services to service users based changing conditions in the network and on user requests.

Bertin does not specifically teach of detecting provision stoppage of a network service by the first device based on the network service provision state information, and calculating a service competition relation that is modified by the detected provisional stoppage of the network service according to both the service stoppage request. However, Bertin teaches of terminating connections and reallocating resources to other users. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Taylor, Britton, Fukushima, and Bertin to detect the stoppage of network service and determine service competition based on the stoppage request, which would allow a node to release the reservation of resources that was held for the network service, i.e. reallocate resources, and use the resources for other nodes or devices requesting network services.

20.   Claims 3, 4, 8, 9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Britton, and Fukushima, in view of Ricciulli, US Patent #6,275,470 (Ricciulli hereinafter).

21.   As per claims 3, 8, and 13, Taylor does not specifically teach the service allocating device according to claim 1 further comprising: a priority route selecting section selecting a device for providing a higher function of a requested network service, of the first and second devices which are connected to the network, and determining a communications route through which the selected devices are connected; and a route comparison section comparing a communications used prior to a new network service request with a communications route determined by the priority route selecting section.

        Ricciulli teaches of selecting devices for providing alternate route through the network nodes; determining a communications route for servicing the request; and comparing a previously used route with the newly selected route to determine if the new route provides better performance (col. 4, lines 16-53).

22.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Britton, Fukushima, and Ricciulli to select devices for providing alternate route through the network nodes; determine a communications route for servicing the request; and compare a previously used route with the newly selected route to determine if the new route provides better performance. The motivation for the suggested combination is that Ricciulli's teachings would improve network communication by identifying paths that provide better performance (col. 4, lines 38-43).

23.   As per claims 4, 9, and 14, Taylor does not teach the service allocating device according to claim 3, further comprising a route setting generating section determining a communications route suitable for provision of the new network service based on a comparison result obtained by the route comparison section, which performs control so that the new network service can be provided, using a communications route determined by the route setting generating section.

Ricciulli teaches of determining route suitable for provision of the new network service based on

comparison results, and using the determined communications route so that the new network service can

be provided (col. 4 lines 38-52).

24.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Taylor, Britton, Fukushima, and Ricciulli to determine a route suitable for

provision of the new network service based on comparison results, and using the determined

communications route so that the new network service can be provided. The motivation for the suggested

combination is that Ricciulli's teachings would improve network communication by identifying paths that

provide better performance (col. 4, lines 38-43).

Conclusion

25.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

26.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be

reached on Monday to Thursday 8AM to 5PM and every other Friday.

27.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this

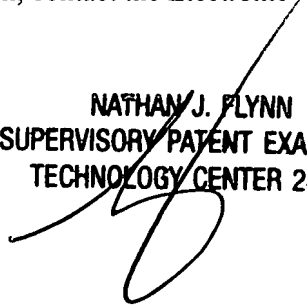application or proceeding is assigned is 571-273-8300.

28.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

May 15, 2007
JJ